

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KYONG HO AHN,

on behalf of herself and others similarly situated,

Plaintiff,

Case No. 20-cv-09198

JUDGMENT

v.

MB RYE METRO NAIL, INC.

d/b/a Rye Metro Nail

SUN YOUNG KIM

a/k/a Cindy Kim

Defendants
-----X

This action was commenced in the Southern District of New York on November 03, 2020, with the filing of the Complaint.

The Summons to the Complaint was issued on November 4, 2020, and Defendants MB Rye Metro Nail Inc and Sun Young Kim were served on November 9, 2020, with proofs of service filed on November 9, 2020, pursuant to Rule 4(h)(1)(B) of the Federal Rules of Civil Procedure.

On November 30, 2020, Defense Counsel Just B Perri appeared from Blackstone Law Group for the defendants and the parties stipulated for defendant to respond to plaintiffs complaint until and including December 14, 2020.

On December 14, 2020, defendants filed a letter requesting for a conference ahead of their Motion to Compel plaintiff to the Arbitration due to the Arbitration Agreement that defendants state plaintiff signed. Plaintiff opposed and on January 11, 2021, the parties held a conference where the court adopted a briefing schedule in regards to Defendants Motion to Compel Plaintiff to Arbitration.

Defendants Motion to Compel Plaintiff to Arbitration was fully briefed and on July 26, 2021, the parties had Oral Arguments regarding defendants Motion to Compel plaintiff to Arbitration. At the oral argument, the court denied defendants Motion to Compel plaintiff to

Arbitration and requested the clerk to terminate the motion. *See* Dkt. No. 27.

Following the decision on Defendants Motion to Compel to Plaintiff to Arbitration, plaintiff initiated an arbitration matter against defendants in the American Arbitration Association, Case No. 01-21-0004-9948. The parties went through the arbitration and had a Hearing with assigned Arbitrator Andrew J. Peck on May 2 and 3, 2021. Following the Hearing between the parties and the arbitrator, the parties submitted their Post Trial briefing to the Arbitrator and on July 12, 2022, Arbitrator Peck issued his final award in favor of plaintiff.

On September 19, 2022, plaintiffs file a letter requesting a conference ahead of their anticipated Motion to Confirm their Arbitration Award they received from the AAA. Defendants opposed and the parties presented the court with a briefing schedule regarding plaintiff's Motion to Confirm the Arbitration Award plaintiffs received.

Following the briefing of Plaintiffs Motion to Confirm the Arbitration Award and Defendants Cross Motion to Modify or Remand the Arbitration Award, the court issued its Opinion and Order on September 20, 2023. In the Opinion and Order, the court granted plaintiffs Motion to Confirm their Arbitration Award and Denied Defendants Cross Motion to Modify the award. In addition, the court issued a Clerks Judgement in favor of plaintiff granting their Motion to Confirm the Arbitration Award. *See* Dkt. No, 51.

Now, by way of Proposed Judgement in regards to the Granting of Plaintiffs Motion to Confirm the Arbitration Award of Troy Law, PLLC, attorney for Plaintiff, it is hereby ORDER, ADJUDGED, and DECREED:

That defendants MB Rye Metro Nail Inc; and Sun Young Kim a/k/a Cindy Kim are ORDERED to pay Plaintiff Kyong Ho Ahn pursuant to the Arbitration Award Awarded by Arbitrator Andrew Peck and Confirmed by this court, a total of **Thirteen Thousand Eight**

Hundred and Forty-Two Dollars (\$13,842.00), that includes: (i) **One Thousand Nine Hundred and Twenty-One Dollars and Twenty Five Cents (\$1,921.25)** in unpaid overtime; (ii) **One Thousand Nine Hundred and Twenty-One Dollars and Twenty Five Cents (\$1,921.25)** in liquidated damages and (iii) **Ten Thousand Dollars** in statutory Notice Violations.

That defendants MB Rye Metro Nail Inc; and Sun Young Kim a/k/a Cindy Kim are ORDERED to pay plaintiffs attorneys pursuant to the Award Awarded by Arbitrator Andrew Peck and Confirmed by this Court, **Eleven Thousand Two Hundred and Fifty Dollars (\$11,250.00)** in legal fees.

IT IS SO ORDERED.

Dated: May 20, 2024
White Plains, NY



U.S.D.J